

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R. SHIVAKUMAR

C.R.P.[PD] No.1943 of 2013

and

C.M.P.No.1010 of 2016 and M.P.No.1 of 2013

Amutha

... Petitioner/1st defendant

.. Vs ..

N.Mathi

... Respondent/Plaintiff

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order and decreetal order dated 08.04.2013 made in I.A.No.16719 of 2012 in O.S.No.1518 of 2011 on the file of the learned XVIII Assistant Judge, City Civil Court, Madras.

For Petitioner : Mr.R.Loganathan

For Respondent : No Appearance

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ORDER

This revision has been filed against the order permitting the plaintiff, who is the respondent herein, to amend the plaint to include a prayer for mandatory injunction for the removal of certain projections which, according to him, have been made encroaching upon the space over the property of the respondent herein/plaintiff and for the closure of the ventilator provided in the wall of the petitioner herein abutting the property of the respondent herein/plaintiff. As the said construction was made during the pendency of the suit, the respondent/plaintiff had to approach the Court with such a prayer for amendment of the pleadings. The same is sought to be challenged in the present revision.

2. Though the respondent has been served with notice and his name has been printed in the cause list, he has not chosen to enter appearance either in person or through counsel. Hence, this Court deems it appropriate to pass an order after hearing the submissions to be made on behalf of the petitioner in the revision petition.

3. Mr.R.Loganathan, learned counsel for the petitioner, after making a preliminary submission narrating the sequence of events leading to the filing of the present revision, submits that the revision petition may be dismissed as withdrawn and on the other hand, a direction may be issued to the trial Court for the expeditious disposal of the suit. An endorsement to that effect has been made.

4. Endorsement is recorded. The Civil Revision Petition is dismissed as withdrawn. The learned trial Judge is directed to expedite the trial of the suit, after giving an opportunity to the petitioner herein/1st defendant, to file her additional written statement, in view of the amendment ordered by the impugned order and dispose of the suit as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this order. The connected miscellaneous petitions are closed. No costs.

24.03.2016

Index :Yes/No
Internet :Yes/No
Jrl

P.R. SHIVAKUMAR, J.

Jrl

To

XVIII Assistant Judge,
City Civil Court, Madras.

C.R.P.[PD] No.1943 of 2013

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